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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE: BEXTRA AND CELEBREX  
13 MARKETING SALES PRACTICES AND  
14 PRODUCT LIABILITY LITIGATION

MDL NO. 1699  
District Judge: Charles R. Breyer

15 This Document Relates To:

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE

16 *Donald G. Newmann v. Pfizer Inc.*  
(05-5359 CRB)

17 *Lehnen, Marie, et al. v. G.D. Searle, et al.*  
18 (06-2669 CRB)

19 *Marcy A. West v. Merck & Co., Inc., et al.*  
(06-3015 CRB)

20 *Jerry M. Dance v. Merck & Co., Inc., et al.*  
21 (06-3016 CRB)

22 *Edward Spinaio v. G.D. Searle, et al.*  
(06-3036 CRB)

23 *Lonnie Case v. Merck & Co. Inc., et al.*  
24 (06-3180 CRB)

25 *Richard Menzel v. Merck & Co., Inc., et al.*  
(06-3181 CRB)

26 *Vincent Calamia v. Merck & Co., Inc., et al.*  
27 (06-3182 CRB)

28 *Jessie Abbott v. Merck & Co., Inc., et al.*  
(06-3306 CRB)

1 *Berlin Jenkerson v. Merck & Co. Inc., et al.*  
2 (06-3307 CRB)

3 *Thomas Kasper v. Merck & Co. Inc., et al.*  
4 (06-3309 CRB)

5 *Josephine Tourville v. Merck & Co., Inc., et al.*  
6 (06-3310 CRB)

7 *Arzie Stephens v. Merck & Co., Inc., et al.*  
8 (06-3311 CRB)

9 *Henry Kahn, et al. v. Pfizer Inc., et al.*  
10 (06-4600 CRB)

11 *Carol Copeland v. G.D. Searle LLC, et al.*  
12 (07-3023 CRB)

13 *Suzanne Steinbach v. Merck & Co., Inc., et al.*  
14 (07-0495 CRB)

15 *John Moseley v. Merck & Co., Inc., et al.*  
16 (07-0496 CRB)

17 *Joni Hebblethwaite v. Merck & Co., Inc., et al.*  
18 (07-0498 CRB)

19 *Kevin Miller v. Merck & Co, Inc., et al.*  
20 (07-0596 CRB)

21 *Lena Scher v. Merck & Co., Inc., et al.*  
22 (07-2533 CRB)

23 *Laurence Schmidt v. Merck & Co., Inc., et al.*  
24 (07-2534 CRB)

25 *Patty Foreman v. Merck & Co., Inc., et al.*  
26 (07-2535 CRB)

27 *Robert Miller v. G.D. Searle LLC, et al.*  
28 (07-3127 CRB)

*Robert J. Smith, Jr., et al. v. Merck & Co., Inc., et al.*  
(07-3488 CRB)

*Williamson, Wilburn, et al. v. Merck & Co., Inc., et al.*  
(07-3489 CRB)

Come now all the Plaintiffs in the above-entitled actions and Defendants, by and through  
the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby

1 stipulate to the dismissal of these actions **with prejudice** as to all plaintiffs named therein with  
2 each side bearing its own attorneys' fees and costs.

3  
4 DATED: 11-2, 2009

By: 

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*Attorneys for Plaintiffs*

9  
10 DATED: Nov. 4, 2009

By: 

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New York, New York 10020  
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Facsimile: 212-335-4501

*Defendants' Liaison Counsel*

17  
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,**  
19 **IT IS SO ORDERED.**

20 Dated: NOV 13 2009

  
Hon. Charles R. Breyer  
United States District Court